



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 5757-99
13 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 11 September 1972 at the age of 19. Your record reflects that on 13 February 1973 you received nonjudicial punishment (NJP) for a seven day period of unauthorized absence (UA). The punishment imposed was forfeitures totalling \$75. On 14 November 1973 you received NJP for disobedience and failure to obey a lawful order and were awarded a \$25 forfeiture of pay.

Your record further reflects that on 7 May 1974 you received NJP for three incidents of disobedience and three incidents of disrespect. The punishment imposed was forfeitures of pay and extra duty for 14 days. On 24 August 1974 you received your fourth NJP for absence from your appointed place of duty. The punishment imposed was forfeitures of pay and restriction for 14 days.

Subsequently, you were released from active duty under honorable conditions. On 18 September 1974, upon completion of your obligated service, you were issued a general discharge.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. At the time of discharge your conduct average was 3.93. However, an average of 4.0 was required for a fully honorable discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that you would like your discharge upgraded to fully honorable. The Board further considered your contention that because of your general discharge you are being denied career opportunities. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct and since your conduct average was insufficiently high to warrant a fully honorable discharge. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director